

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional) 83531-231
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First Named Inventor: Arturo Maria Art Unit: 2136

Application Number: 09/580,689 Examiner: Carl G. Colin

Filed: May 30, 2000

Title:
FLOATING INTRUSION DETECTION PLATFORMS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☐ Small entity – fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 540.00 (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of
Fees (identify the type of reply):

☒ has been filed previously on June 19, 2008

☐ is enclosed herewith.

B The issue fee of \$ 1440.00

☐ has been filed previously on _____

☒ is enclosed herewith. **Charged to Deposit Account 040258**

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This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/Michael J. Donohue, Reg. #35,859/

January 27, 2009

Signature

Date

Michael J. Donohue

35,859

Typed or printed name

Registration Number, if applicable

DAVIS WRIGHT TREMAINE LLP

(206) 757-8029

Address

Telephone Number

1201 Third Avenue, Suite 2200, Seattle, WA 98101-3045

Address

Enclosure ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☒ Issue fee

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300. **FILED ELECTRONICALLY**

January 27, 2009

/Michael J. Donohue, Reg. #35,859/

Date

Signature

Michael J. Donohue

Typed or printed name of person signing certificate

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NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

/Michael J. Donohue, Reg. #35,859/

January 27, 2009

Signature

Date

Michael J. Donohue

35,859

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

We could not pay the issue fee because we did not receive the Notice of Allowance.

After filing an Amendment (after non-final rejection) on June 19, 2008, a telephone interview was held with Examiner Colin on September 12, 2008. I discussed claim amendments with Examiner Colin that the Examiner felt should place the claims in condition for allowance. Neither the Examiner's Amendment nor the Notice of Allowance was ever received from the Patent Office.

After the telephone communication with the Examiner on September 12, 2008, the applicant's attorney had no reason to believe that correspondence from the U.S.P.T.O. would not be received in the normal course of business. A Revocation/Substitute Power of Attorney and change of Correspondence Address had been filed in 2007. A Notice of Acceptance of Power of Attorney was sent to the correct correspondence address on July 2, 2007.

No communication was received from the Patent Office until the Notice of Abandonment was found and downloaded by applicant's representative during a cursory status check on Private Pair. Although the correct correspondence address is shown on the Notice of Allowance and the Notice of Abandonment, neither document was received by our office.

(Please attach additional sheets if additional space is needed.)